



Senate

General Assembly

File No. 29

January Session, 2003

Substitute Senate Bill No. 93

Senate, March 18, 2003

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT EXTENDING THE PERIOD TO VOID CERTAIN CONTRACTS MADE IN VIOLATION OF THE STATE ETHICS CODE FOR PUBLIC OFFICIALS, EXTENDING THE STATUTE OF LIMITATIONS UNDER THE STATE ETHICS CODES, AND AUTHORIZING THE STATE ETHICS COMMISSION TO ENTER INTO CONTRACTUAL AGREEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (i) of section 1-84 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (i) No public official or state employee or member of [his] the
5 official or employee's immediate family or a business with which [he]
6 the official or employee is associated shall enter into any contract with
7 the state, valued at one hundred dollars or more, other than a contract
8 of employment as a state employee or pursuant to a court
9 appointment, unless the contract has been awarded through an open

10 and public process, including prior public offer and subsequent public
11 disclosure of all proposals considered and the contract awarded. In no
12 event shall an executive head of an agency, as defined in section 4-166,
13 including a commissioner of a department, or an executive head of a
14 quasi-public agency, as defined in section 1-79, or [his] the executive
15 head's immediate family or a business with which [he] the executive
16 head is associated enter into any contract with that agency or quasi-
17 public agency. Nothing in this subsection shall be construed as
18 applying to any public official who is appointed as a member of the
19 executive branch or as a member or director of a quasi-public agency
20 and who receives no compensation other than per diem payments or
21 reimbursement for actual or necessary expenses, or both, incurred in
22 the performance of [his] the public official's duties unless such public
23 official has authority or control over the subject matter of the contract.
24 Any contract made in violation of this subsection shall be voidable by
25 a court of competent jurisdiction if the suit is commenced within
26 [ninety] one hundred eighty days of the making of the contract.

27 Sec. 2. Subdivision (d) of section 1-82 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2003, and applicable to violations occurring on or after October 1,*
30 *2003*):

31 (d) No complaint may be made under this section except within
32 [three] five years next after the violation alleged in the complaint has
33 been committed.

34 Sec. 3. Subsection (d) of section 1-93 of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective*
36 *October 1, 2003, and applicable to violations occurring on or after October 1,*
37 *2003*):

38 (d) No complaint may be made under this section except within
39 [three] five years next after the violation alleged in the complaint has
40 been committed.

41 Sec. 4. Subsection (a) of section 1-96a of the general statutes is

42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2003*):

44 (a) Each registrant shall obtain and preserve all accounts, bills,
45 receipts and other documents necessary to substantiate the financial
46 reports required by section 1-96 for a period of [three] five years from
47 the date of the filing of the report referring to such financial matters,
48 provided this section shall apply to each expenditure for the benefit of
49 a public official of ten dollars or more and all other expenditures of
50 fifty dollars or more.

51 Sec. 5. Section 1-81 of the general statutes is amended by adding
52 subsection (c) as follows (*Effective October 1, 2003*):

53 (NEW) (c) The commission may enter into contractual agreements,
54 as may be necessary for the discharge of its duties, within the limits of
55 its appropriated funds and in accordance with established procedures.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003, and applicable to violations occurring on or after October 1, 2003</i>
Sec. 3	<i>October 1, 2003, and applicable to violations occurring on or after October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 93

AN ACT EXTENDING THE PERIOD TO VOID CERTAIN CONTRACTS MADE IN VIOLATION OF THE STATE ETHICS CODE FOR PUBLIC OFFICIALS, EXTENDING THE STATUTE OF LIMITATIONS UNDER THE STATE ETHICS CODES, AND AUTHORIZING THE STATE ETHICS COMMISSION TO ENTER INTO CONTRACTUAL AGREEMENTS**SUMMARY:**

This bill:

1. increases the statute of limitation for filing a complaint with the State Ethics Commission from three to five years after an ethics violation occurs;
2. requires registered lobbyists to keep all accounts, bills, receipts, and other documents necessary to substantiate financial reports of their lobbying activities for five, instead of three, years;
3. doubles the time from 90 to 180 days, the state has to bring an action to void a contract entered in violation of the State Ethics Code; and
4. permits the commission to enter contracts that are necessary to complete its duties, within available appropriations, and in compliance with established procedures.

EFFECTIVE DATE: October 1, 2003, with the statute of limitation provisions applicable to violations that occur on and after that date.

BACKGROUND***Lobbyists Financial Reports***

Generally, lobbyists must file financial reports of their lobbying activities, including nonreimbursed, itemized, expenditures of \$10 or more, with the State Ethics Commission.

Voidable State Contracts

The state has 90 days to void any state contract entered into with a public official or state employee, a member their immediate family, or any business with which they are associated that is (1) valued at \$100 or more and (2) not won through an open and public bidding process. The law does not apply to public officials who receive only a per diem or expense reimbursements, or both.

Agency Contracting Procedures

Agencies may negotiate personal service contracts below \$3,000. Agencies must request proposals for contracts above this threshold and the Department of Administrative Services, Office of the Attorney General, and Office of Policy and Management must review and sign them.

Agencies may contract for supplies and materials costing less than \$1,000 on the open market. Over this threshold, they must get quotes or advertise.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17 Nay 0